

L. MITCHELL JONES (U.S.B. 5979)
Assistant Attorney General
MARK L. SHURTLEFF (U.S.B. 4666)
Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 146741
Salt Lake City, UT 84114-6741
Telephone: (801) 366-0310

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSES OF GYPSY JYLL WILLIS (AKA JILLIAN G. MACNEILL) TO PRACTICE AS A LICENSED PRACTICAL NURSE AND AS A REGISTERED NURSE IN THE STATE OF UTAH)))))))	SURRENDER STIPULATION AND ORDER CASE NO. DOPL 2009- 234
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GYPSY JYLL WILLIS (AKA JILLIAN G. MACNEILL) ("Respondent") and the
Division of Occupational and Professional Licensing of the Department of Commerce of the
State of Utah ("Division") stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the
subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and
voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board of Nursing ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to a hearing, the right to call witnesses on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15.

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent was first licensed as a licensed practical nurse in the State of Utah under the Gypsy Jyll Willis on or about June 4, 2000. That license expired on January 31, 2008 because Respondent failed to renew the

license. Respondent was first licensed as a registered nurse in the State of Utah under the name Jillian G. MacNeill on or about May 19, 2008. That license expired on January 31, 2009 because Respondent failed to renew the license.

- b. On March 19, 2008 Respondent submitted an application to the Division for licensure as a registered nurse. Respondent used a false name and social security number on this application submitted to the Division. Respondent failed to inform the Division that Respondent previously was licensed as an LPN in Utah and that Respondent was previously licensed as a nurse in Idaho, Nebraska, and Oregon, as was required on the application. Respondent also fraudulently represented that she had never applied for or received a license from the State of Utah using another name.
- c. Respondent was arrested on or about December 15, 2008 and later charged with five counts of aiding and abetting misuse of a social security number, five counts of aiding and abetting aggravated identity theft, and one count of aiding and abetting false statement, in United States District Court, Salt Lake City, Utah.
- d. On or about April 23, 2009 Respondent pleaded guilty to one count of aiding and abetting aggravated identity theft, a felony, in United States District Court, Salt Lake City, Utah. Respondent admitted that on or about March 7, 2008 she has knowingly applied for a Utah identification card with the Utah Department of Public Safety under the name Jillian Giselle MacNeill, a name she had fraudulently adopted, and used a false social security number. Respondent has not yet been sentenced.
- e. Between about March 2007 and about October 2007 Respondent received the controlled substances Phentermine and Meridia, from a physician with whom she was having intimate relations. Respondent was a patient of the physician at the time.
- f. Respondent desires to surrender Respondent's licenses to practice as a licensed practical nurse and as a registered nurse in the State of Utah as well as all residual rights pertaining to said licenses.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (c), and (h) and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(e), and that said conduct justifies disciplinary action

against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b).

Respondent hereby surrenders Respondent's licenses to practice as a licensed practical nurse and as a registered nurse in the State of Utah along with all residual rights pertaining to said licenses.

Residual rights are set forth in Utah Administrative Code R156-1-308. Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2)(a) and (b).

Respondent agrees not to reapply for licensure as a nurse in the State of Utah for a period of four years from the effective date of this Stipulation applies, or such time as is required by applicable statute. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a nurse in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division.

9. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or

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agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

11. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

12. Respondent agrees the Division may issue an Order requiring Respondent to cease and desist from engaging in the practice of nursing as defined in Utah Code Ann. § 58-31b-101 through § 58-31b-801, until Respondent is properly licensed to do so. Respondent agrees to obey the Order and cease and desist from engaging the in the practice of nursing as defined in Utah Code Ann. § 58-31b-101 through § 58-31b-801, until Respondent is properly licensed to do so. Respondent understands that failure to comply with this Order may subject Respondent to a civil penalty of up to \$2,000 (two-thousand dollars) for each day the order is violated pursuant to Utah Code Ann. § 58-1-503(1).

13. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY: *Laura Poe*
LAURA POE
Bureau Manager

BY: *Gypsy Jyll Willis*
GYPSY JYLL WILLIS
(AKA JILLIAN G. MACNEILL)

DATE: 8-5-09

DATE: August 5, 2009

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: *Michael Jones*
L. MITCHELL JONES
Counsel for the Division

DATE: 5 Aug 2009

H. B. Kieppoch
attorney for Gypsy Jyll Willis
August 5, 2009

ORDER

THE ABOVE STIPULATION, in the matter of **GYPSY JYLL WILLIS (AKA JILLIAN G. MACNEILL)**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2)(a) and (b). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 6 day of August, 2009.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director

Investigator: Lynn Hooper